



August 11, 1999

Mr. John L. Schomburger
Assistant District Attorney
Collin County
210 S McDonald, Ste. 324
McKinney, Texas 75069

OR99-2260

Dear Mr. Schomburger:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126653.

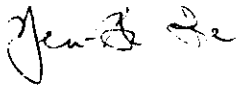
The Collin County District Attorney's Office (the "district attorney") received a request for the names of those who alleged campaign violations by the requestor. You claim that the names are protected by the informer's privilege under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The Texas courts have recognized the informer's privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). It protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. Open Records Decision Nos. 515 at 3 (1988), 208 at 1-2 (1978). The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 279 at 2 (1981) (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 at 2 (1990), 515 at 4-5 (1988). The privilege excepts the informer's statement only to the extent necessary to protect that informer's identity. Open Records Decision No. 549 at 5 (1990). You represent to us that the citizens reported alleged violations of the Election Code. We

conclude that you may withhold the citizens' identifying information, such as names, addresses, phone numbers, and electronic mail addresses, under section 552.101 in conjunction with the informer's privilege.

As we have resolved the matter under the informer's privilege, we do not address your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 126653

Encl.: Submitted documents

cc: Mr. John R. Roach, Jr.
Legal Services, L.L.C.
2000 North Central Expressway, Suite 204
Plano, Texas 75074
(w/o enclosures)